

(ATTACHMENT 2)

**Guidelines for Regional/FLHO Plans to Streamline
FHWA's EIS Review and Approval Process**

1. EIS Review and Approval Process

A. Description of standard operating procedures

Describe how the Division, Region, and Headquarters will interrelate in the various steps leading up to the FHWA approval of draft EIS, final EIS, and record of decision. Who will be involved and in what capacity?

B. Identification of Prior Concurrence candidates

How will prior concurrence candidates be flagged? What coordination process will occur between division, region, and headquarters and at what stage will this occur?

C. Interdisciplinary Review

How will FHWA experts in the distinct disciplines become engaged in projects involving their issues? (HQ experts; field resource sharing, etc.)

D Integration of Processes

How will agencies with jurisdiction be involved and their processes integrated with the FHWA NEPA process (e.g. NEPA/404 Merger)?

E. Quality Improvement

How will systemic deficiencies be identified, corrected, and communicated to headquarters and other regions?

2. Organization Capacity

A. Staffing

How will the division and region be staffed in response to the new operating procedures?

B. Training

What specific steps will be taken to assure that staff are trained in the critical areas?

[MEMO](#) | [Attachment 1](#) | [Attachment 2](#) | [Attachment 3](#)

(ATTACHMENT 1)

**THE REGION 9 PILOT FOR STREAMLINING
FHWA'S EIS REVIEW AND APPROVAL PROCESS**

I. INTRODUCTION

Region Nine requested and received approval in January 1995 to pilot a streamlined EIS review and approval process by seeking a delegation from Headquarters for authority to review environmental impact statements. The pilot was approved under specific conditions as follows:

- Interdisciplinary review is required to maintain a broad perspective on all interrelated issues affecting the project decision and there must be an assurance that one of the Region office environmental specialists be responsible for reviewing the entire document in the predraft stage (prior to approval for circulation by the Division office).
- Review by Headquarters technical specialists to supplement the multidisciplinary review will be solicited, as needed, and coordinated directly with the technical specialist.
- Prior concurrence is needed from Headquarters on high profile projects which may involve nationally significant environmental issues. The Regional Administrator will decide which projects need Headquarters involvement.
- Ongoing, nonduplicative involvement by the Headquarters Project Development Specialist will be provided for informational purposes.

In the past, comments on the EIS's were made solely by Headquarters and Region staff. The Region requested this EIS delegation acknowledging that eliminating the Headquarters' involvement would obligate the Division staff to become more responsible and accountable for working early and collaboratively with the State to assure the quality, completeness and timeliness of draft and final EIS's. Thus, the Division feels more involved in the process and decisions are made at the lowest level possible.

II. DESCRIPTION OF REGION 9 OPERATING PROCEDURES

Region 9 has taken two steps to assure that issues will be identified and addressed early internally. The first step is the region and division will review draft-EIS (see Pre-draft EIS Review below). The second step is to use a checklist. The checklist is designed to identify issues while the document is being reviewed internally.

Notice of Intent

The Division office is responsible for filing this document with the Federal Register and sending a copy to the Region.

Scoping

An environmental project team is established where the Environmental Checklist is presented and and any necessary environmental training/guidance is provided to ensure a good, complete and timely EIS will be prepared. All environmental issues are discussed and field review conducted, if possible.

Predraft EIS Review

The area/transportation engineer/environmental coordinator works with the state (and consultants) in preparing the predraft EIS using the Environmental Checklist as a guide. Any glaring "fatal flaws" in the predraft EIS must be corrected prior to submittal to the Region. The "signed checklist" along with any comments are sent forth to Region for their review. Region conducts an interdisciplinary review including the legal counsel office and provides comments back to the Division. The Division office consolidates all comments and transmits them to project sponsor.

The pre-draft EIS review is the focus of FHWA's EIS review effort. It *will* be a complete review. A partial review with an intent to finish the full review during subsequent EIS review stages is not acceptable. The extent of FHWA's pre-final review will be limited as outlined below under pre-final EIS review.

Any cooperating agency pre-draft EIS review may be accomplished prior to, concurrentwith, or after the FHWA pre-draft EIS review.

Draft EIS Approval

The area/transportation engineer/environmental coordinator assures that all previous comments have been adequately addressed and recommends to the Division Administrator that the draft EIS be approved for circulation. The Division office files the draft EIS with EPA/Federal Register.

Prefinal EIS Review

The area/transportation engineer/environmental coordinator reviews the prefinal and provides the Assigned checklist@ along with any comments onto the Region. Since a full document review was accomplished at the pre-draft EIS stage, the pre-final EIS review will focus on:

- responses to draft EIS comments from the public and other agencies,
- issues associated with any project revisions or refinements,
- final documentation of compliance with applicable environmental requirements, and
- resolution of any interagency disagreements.

Comments are provided to the Division who in turn sends the comments onto the project sponsor. However, any important, "show-stopping" omissions in the EIS will need to be addressed.

Final EIS Approval

The Division and the Region work closely with the State (and consultant) in addressing the necessary document revisions for legal sufficiency and final EIS approval. The Regional Deputy Administrator/Director, Office of Transportation Programs signs and approves the final EIS based on recommendation from the project Environmental Specialist.

Record of Decision

The Region issues the Record of Decision with assistance from the project sponsors. A legal recommendation is acquired prior to the Regional Deputy Administrator/Director, Office of Transportation Programs approval of the ROD.

III. EVALUATION

The preparation and review of NEPA environmental impact statements in Region Nine has improved under the delegation pilot:

Region Nine environmental staff working with the Divisions prepared EIS checklists for draft EIS's and final EIS's. While the checklists have only been in use since April 1995 and refinements are underway, they have improved initial document quality and have allowed Region staff to shift their NEPA involvement from EIS format and recurring comment matters to the real environmental and social issues specific to a project.

- The checklists combine the information and evaluations outlined in the FHWA Technical Advisory and the many U.S. DOT and FHWA Headquarters and Region Nine policy memoranda, guidance papers, and MOU's into a single, easy-to-use document. They provide a reference of all the various requirements scattered among the many documents for FHWA Division EIS reviewers and State/local agency EIS preparers.
- The Region Nine checklists have served to get the Divisions to take greater ownership of EIS document content and quality than in the past.
- The checklists have also provided EIS preparers a single reference outlining the topics and evaluations FHWA expects to see in EIS documents.

Region Nine is able to serve its customers in a more timely and productive fashion.

- Responsiveness and accommodations in the spirit of customer service is improved with the project teams.
- EIS comments at the Regional level can be physically consolidated more quickly with one less set of comments (Headquarters) to reconcile and combine with the others received.
- With Headquarters freed from EIS reviews, Headquarters staff is more able to respond to Region Nine requests for assistance with specific project or program issues. For example, assist the Region conduct training for Division and State staff on NEPA document preparation or other specific environmental subjects.

EIS quality has been maintained under the pilot delegation.

- The Region Nine EIS development process includes Region and Division staff involvement during the preparation of a preliminary draft EIS (pre-draft EIS) which is then completely reviewed by the Region Office interdisciplinary review team. Issues raised during this pre-draft EIS review are resolved prior to Division Office approval of the draft EIS.
- With Headquarters no longer involved in the EIS review process, project issues remain covered by the Region Office interdisciplinary review team. Prior to the pilot delegation, Headquarters and Region EIS review comments were parallel as the Region and Headquarters reviews essentially duplicated each other.
- If a difficult issue surfaces during EIS preparation or review, Region staff contact the appropriate Headquarters specialist for assistance. This has occurred on a number of projects in which unique situations or issues of nationwide significance have arisen.

IV. CONCLUSION

Based on 20 months of experience, the pilot for streamlining the EIS review has proven to be an overall success. Although, initially the process needed a better definition of the roles for Headquarters, Region and Division, through time these responsibilities have become more clear. As a result of the pilot, it is recommended that this streamlining option be made available to all of the regions following the model of Region 9.

Wordperfect versions of the Region 9 Environmental Checklists (used for DEIS and FEIS review) can be downloaded. If you want them click on [chklists.zip](#).

[MEMO](#) | [Attachment 1](#) | [Attachment 2](#) | [Attachment 3](#)

(ATTACHMENT 3)

**DRAFT QUALITY STANDARDS FOR
ENVIRONMENTAL IMPACT STATEMENTS**

Scoping: the scoping process is conducted early in the process and is effective in identify agency and public concerns and results in a publicly conveyed understanding of the treatment expected to be given to different issues/topics.

Cooperating Agencies: FHWA/State DOT explains to cooperating agencies in terms that are relevant to them how the project affects their responsibilities. Every reasonable effort, including follow-up, is made to assure that they agree to be cooperating agencies. Participation of the cooperating agencies during project development is meaningful and normally prevents downstream problems.

Public Involvement: Public involvement is conducted in accordance with approved public involvement plans. Early and continuing opportunities for the public to learn about and communicate their concerns about the project are utilized. This results in few late identification of issues, even if issues addressed earlier remain unresolved. Project level public involvement activities reflect a cognizance of and integration with public involvement conducted as part of the metropolitan and statewide transportation planning process and with public involvement on other projects.

Planning Linkage: The project record shows a clear connection with planning studies, including stand-alone major investment studies. The results of planning efforts are integrated into the project with little or no rework. Evaluation of indirect and cumulative effects relies to the maximum extent possible on transportation or environmental planning inventories and studies, which are incorporated by reference whenever appropriate.

Draft EIS: The draft EIS reflects a treatment of issues consistent with the results of the formal scoping process and subsequent interagency coordination and public involvement. It comports in format with the CEQ regulations. It convincingly presents the purpose and need for the proposed transportation improvement, relying to the maximum extent possible on the results of planning studies. It evaluates all reasonable alternatives and discusses why other alternatives were eliminated from detailed study. It presents sufficient information on the affected environment to put relevant issues into context. It describes the probable environmental consequences of the alternatives being evaluated to an equivalent level of detail for each alternative. The discussion of environmental consequences fully supports the subsequent selection of a preferred alternative as to the full range of relevant social, economic, and environmental factors under the National Environmental Policy Act and as to factors germane to other laws, regulations, and executive orders. The draft EIS clearly summarizes comments and coordination that helped shape the project and the document.

Final EIS: The final EIS clearly describes the preferred alternative being advanced for FHWA approval. It lays out the comparative factors for the various alternatives considered in a way that assists the reader to understand why the preferred alternative was selected. It describes mitigation measures that are to be incorporated into the proposed action and discusses possible enhancement measures. It discusses substantive comments received on the draft EIS and responses thereto, and summarizes public involvement activities conducted for the project. It documents compliance with all applicable environmental laws and executive orders or provides reasonable assurance that their requirements can be met.

Record of Decision: The record of decision presents the basis for the decision to select one alternative for implementation. It identifies all alternatives considered by FHWA in reaching its decision, including the alternative considered to be environmentally preferable. It discusses factors which were balanced by FHWA in making its decision and states how these considerations entered into the decision. It lays out any mitigation measures to be incorporated into the project and any other commitments that FHWA considers to be integral to the decision. It summarizes any monitoring program adopted for assuring that mitigation measures and other commitments are implemented.

Section 4(f) Evaluation: The draft Section 4(f) evaluation clearly describes resources which qualify for protection under Section 4(f), including the physical extent of the resources and the attributes which qualify the resource for protection. It identifies the impacts on Section 4(f) resources of alternatives which would use such land and describes possible measures to minimize harm. It presents the impacts of alternatives that would completely avoid Section 4(f) land. The final Section 4(f) evaluation discusses comments from interested agencies and explains how these comments were addressed. It specifically addresses why alternatives to avoid a Section 4(f) property are not feasible and prudent. It describes all measures which will be taken to minimize harm to the Section 4(f) property.

Compliance with other laws, regulations, and executive orders: FHWA NEPA documents show compliance with all environmental mandates in accordance with established agency protocols, eg. NEPA/404 merger.

[MEMO](#) | [Attachment 1](#) | [Attachment 2](#) | [Attachment 3](#)